HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Petition No.4450 of 2006

Between:

Union of India and another … Petitioner

And

M.Abdul Sattar and others.

… Respondents

:: ORDER::

Counsel for the Petitioners: Sri V. Vinod Kumar

Counsel for Respondent No.1: None

Counsel for Respondent Nos.2

And 3: None

April 24, 2006

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Per G.S. Singhvi, CJ

This is a petition for quashing orders dated 7-2-2005 and 8-12-2005 passed by District Consumer Disputes Redressal Forum, Kurnool and Andhra Pradesh State Consumer Disputes Redressal Commission whereby the claim made by respondent No.1 for encashment of Indira Vikas Patras was allowed.

Respondent No.1 filed complaint under Section 12 of the Consumer Protection Act, 1986 by alleging that the opposite party (petitioner herein) had failed to pay the amount in lieu of Indira Vikas Patra Nos.20-C/632549 and D/18-211532 purchased by him on 3-12-1990. District Consumer Forum, Kurnool accepted the claim of respondent No.1 by declaring that failure of the concerned authorities to respond to the representation made by the complainant amounted to deficiency of service. The order passed by the District Forum was confirmed by the State Consumer Commission.

The petitioners have relied on judgment dated 12-8-2003 passed by a Division Bench of this Court in Writ Appeal No.684 of 2003 – **Union of India and others v. Bijili Balaiah –** and pleaded that the direction given by the District Forum for compensating respondent No.1 in lieu of Indira Vikas Patras and confirmatory order passed by the State Commission are liable to be set aside.

Notice of the writ petition has been duly served on the contesting respondent i.e., respondent No.1, but neither any counter has been filed nor any one has appeared

to oppose the prayer made in the writ petition.

We have heard Sri V. Vinod Kumar, learned Additional Standing Counsel for Central Government appearing for the petitioners and carefully perused the judgment of the Division Bench in **Union of India and others v. Bijili Balaiah**. The Division Bench interpreted Indira Vikas Patras Rules, 1986 and held that claim for payment of amount in lieu of the lost Vikas Patras cannot be entertained under the Act.

By adopting the reasons recorded in judgment dated
12-8-2003 passed in Writ Appeal No.684 of 2003, the writ petition is allowed and the impugned orders are quashed.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

April 24, 2006

ARS / svs